80-724

No.

Supreme Court, U.S.
FILED
OCT 14 1980
MICHAEL RODAK, JR., CLERK

In the

Supreme Court of the United States

OCTOBER TERM, 1980

ANABEL J. McCUTCHEON,

Plaintiff-Petitioner,

vs.

1. BOARD OF EDUCATION CITY OF CHICAGO
2. CAREY B. PRESTON
3. MARGARET WILD
4. HERBERT JOHNSON
5. HENRY McGEE
6. JOSEPH P. HANNON
7. WILLIAM ROHAN
8. GERARD J. HEING
9. NINA JONES
10. CHICAGO PRINCIPALS Local 2, AFL-CIO
11. SAMUEL DOLNICK
12. JOHN CAREY
13. THOMAS NAYDER
14. CATHERINE ROHTER
15. EDGAR G. EPPS
16. CARMEN VELASQUEZ
17. LOUISE MALIS
18. JAMES F. REDMOND
19. GUY BRUNETTI
20. MICHAEL WRENN
21. JAMES MOFFAT
22. THOMAS FINNEGAN
23. BESSIE LAWRENCE
24. ANGELINE CARUSO
25. OTHO ROBINSON
26. SHIRLEY STACK
27. VINCENT J. CONROY

Defendants-Respondents.

Appeal from the United States Court of Appeals for the Seventh Circuit.
Judge ROBERT A. SPRECHER
Judge WILLIAM A. BAUER
Judge HARLINGTON WOOD

APPENDIX TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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UNITED STATES COURT OF APPEALS
For the Seventh Circuit
Chicago, Illinois 60604

June 26, 1980

Before
Hon. Robert A. Sprecher, Circuit Judge
Hon. William J. Bauer, Circuit Judge
Hon. Harlington Wood, Jr., Circuit Judge

ANABEL J. McCUTCHEON,

Plaintiff-Appellant,

No. 80-1482 vs.

THE BOARD OF EDUCATION, CITY OF CHICAGO, et al.,

Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.
No. 76-C-4763 & No. 78-C-3894
Judge George N. Leighton

This matter comes before the court for its consideration upon the following documents:

1. The "MOTION OF DEFENDANTS-APPELLEES TO DISMISS THE APPEAL IN CASE NO. 80-1482" filed herein on June 10, 1980.

2. The "RESPONSE TO DEFENDANTS-APPELLEES MOTION TO DISMISS IN CASE NO. 80-1482" filed herein on June 23, 1980, by counsel for the defendants-appellees.

3. The "PLAINTIFF'S RESPONSE TO THE COURT ORDER TO RESPOND TO THE "MOTION OF DEFENDANTS-APPELLEES TO DISMISS THE APPEAL IN CASE NO. 80-1482 filed herein on June 10, 1980, by Counsel for the Defendants-Appellees," filed herein on June 23, 1980.

4. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT BESSIE LAWRENCE" filed herein on June 23, 1980.

5. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT JAMES MOFFAT" filed herein on June 23, 1980.

6. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT JOHN CAREY" filed herein on June 23, 1980.

7. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT SAMUEL DOLNICK" filed herein on June 23, 1980.

8. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT NINA JONES" filed herein on June 23, 1980.

9. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT GERARD J. HEING" filed herein on June 23, 1980.

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14. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT MARGARET WILD" filed herein on June 23, 1980.

15. The "PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT CAREY B. PRESTON" filed herein on June 23, 1980.

16. The "PLAINTIFF'S MOTION TO STRIKE WITH PREJUDICE THE INACCURATE: "MOTION OF DEFENDANTS-APPELLEES TO SUPPLEMENT THE RECORD ON APPEAL AND MOTION OF DEFENDANTS-APPELLEES FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE BRIEF" filed herein on June 23, 1980.

Treating plaintiff-appellant's motions for summary judgment as responses to the defendants-appellees' motion to dismiss,

IT IS ORDERED that the defendants-appellees' motion to dismiss is hereby GRANTED and this appeal from a decision of the United States District Court for the Northern District of Illinois is hereby DISMISSED.

IT IS FURTHER ORDERED that the "PLAINTIFF'S MOTION TO STRIKE WITH PREJUDICE THE INACCURATE: "MOTION OF DEFENDANTS-APPELLEES TO SUPPLEMENT THE RECORD ON APPEAL AND MOTION OF DEFENDANTS-APPELLEES FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE BRIEF" is hereby DENIED.

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

No. 80-1482

ANABEL J. McCUTCHEON,

Plaintiff-Appellant,

v.

BOARD OF EDUCATION OF THE CITY OF CHICAGO, et al,

Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 76-C-4763
No. 78-C-3894
Judge George N. Leighton

MOTION OF DEFENDANTS-APPELLEES TO DISMISS THE APPEAL IN CASE NO. 80-1482

Now come the defendants-appellees, the Board of Education of the City of Chicago, et al., by their attorneys Michael J. Murray and Paul H. Heineke, and move that this Honorable Court dismiss the appeal in case No. 80-1482 for the reason that this Court does not have jurisdiction to consider this appeal due to the failure of the plaintiff-appellant to file a timely notice of appeal. A

memorandum of law in support of this motion is attached hereto.

Respectfully submitted,

/s/ Michael J. Murray
Michael J. Murray

Michael J. Murray
Board of Education of
the City of Chicago
228 North LaSalle St.
Chicago, IL 60601
641-3900

/s/ Paul H. Heineke
Paul H. Heineke

Paul H. Heineke
Christine A. Zielinski
135 South LaSalle St.
Chicago, IL 60603
236-6655

MEMORANDUM OF LAW IN SUPPORT OF THE MOTION OF DEFENDANTS-APPELLEES TO DISMISS THE APPEAL IN CASE NO. 80-1482

The notice of appeal in this case was not timely filed. Therefore, this Honorable Court has no jurisdiction to consider this appeal.

Final judgment in this case was entered on February 25, 1980 in favor of the defendants-appellees, (I.R. #105). Plaintiff-appellant filed a motion for a rehearing on March 14, 1980, (I.R. #104). It was not until March 31, 1980 that plaintiff-appellant filed a notice of appeal, (I.R. #112). On April 4, 1980 plaintiff filed a motion to reconstruct the complete 76-C-4763 file, (I.R. #108). Also restraining order against attorney John B. Schwartz, (I.R. #110).

Plaintiff's motion for a rehearing was denied on March 25, 1980, without expression of any view concerning its timeliness, (I.R. #107). The Court in its Minute Order said:

> ". . . After reviewing plaintiff's allegations, it appears plaintiff seeks the opportunity to reargue the case this court has heard thoroughly, and to which careful attention has been paid to each of plaintiff's many claims. (I.R. #107)."

Plaintiff's motion to reconstruct, amend, and certify the 76-C-4763 filed was granted on April 8, 1980. (I.R. #109). Plaintiff's motion for a temporary restraining order against attorney John B. Schwartz was denied on April 7, 1980, (I.R. #113).

The Federal Rules of Appellate Procedure for the United States Court of Appeals, specifically Rule 4(a), are applicable and govern appeals in Civil cases such as this. Rule 4(a), provides:

> (a) Appeals in Civil Cases.
>
> (1) In a civil case in which an appeal is permitted by law as of right from a district court to a court of appeals the notice of appeal required by Rule 3 shall be filed with the clerk of the district court within 30 days after the date of the entry of the judgment or order appealed from;..."

The date of the entry of the judgment or order appealed from in this case is the final judgment in favor of the defendants-appellees which was entered on February 25, 1980. As explained hereinafter, plaintiff-appellant's motion for a rehearing was itself untimely even though the motion was denied not because of time but because plain-

tiff sought to reargue the entire case which had just been heard thoroughly by the court, which had paid careful attention to each of plaintiff's many claims. (See: I.R. #107, *supra.*)

Plaintiff's motion for a rehearing was untimely according to either of the relevant Federal Rules of Civil Procedure: Rule 50b, Rule 52b or Rule 59. Rule 50b provides:

> "(b) Motion for Judgment Notwithstanding the Verdict.
>
> . . . *Not later than 10 days after entry of judgment,* a party who has moved for a directed verdict may move to have the verdict and any judgment entered thereon set aside and to have judgment entered in accordance with his motion for a directed verdict; . . ." (Emphasis added.)

Rule 52b provides:

> "(b) Amendment. *Upon motion of a party made not later than 10 days after entry of judgment* the court may amend its findings or make additional findings and may amend the judgment accordingly. The motion may be made with a motion for a new trial pursuant to Rule 59 . . ." (Emphasis added.)

Rule 59 provides:

> "New Trials; Amendment of Judgments. . . . (b) Time for Motion. A motion for a new trial shall be served *not later than 10 days after the entry of the judgment.*" (Emphasis added.)

Plaintiff-appellant had 10 days from the date of entry of the final judgment order within which to file her mo-

tion for a rehearing. The final judgment was entered February 25, 1980. Plaintiff's motion for a rehearing was not filed until March 14, 1980, 18 days later. Plaintiff's Notice of Filing alleges that the Motion was filed on March 12, 1980. If this were factual, then plaintiff's motion would have been six days late. If plaintiff mailed in her motion and was entitled to an additional three-day grace period, then her motion for a rehearing is still late. Therefore, the time within which plaintiff's notice of appeal should have been filed was never tolled. Plaintiff, therefore, had 30 days from the date of entry of the final judgment order within which to file her notice of appeal. Plaintiff's Notice of Appeal was filed March 31, 1980, *thirty-five days after the entry of the final judgment order in favor of the defendants-appellees.* Plaintiff's Notice of Appeal was not timely. Therefore, this Court has no jurisdiction to consider this appeal.

RESPONSE TO DEFENDANTS-APPELLEES
MOTION TO DISMISS IN CASE
No. 80-1482

Now comes the defendants-appellees in the United States District Court case, docket number 78 C 3894, to wit, Board of Education of the City of Chicago, Carey B. Preston, Margaret Wild, Herbert Johnson, Henry McGee, Joseph P. Hannon, William Rohan, Gerard J. Heing and Nina Jones, by one of their attorneys Thomas P. Brown, and pursuant to the Court's order of June 12, 1980, submit this "Response."

1. Counsel Thomas P. Brown, representing the defendants, as above noted (in 78 C 3894), specifically joins in the motion to dismiss this appeal, including the memorandum in support thereof.

2. As additional grounds, defendants aver that plaintiff has never filed an appeal in 78 C 3894.

3. With regard to U.S.D.C. 78 C 3894, the following docket entries are relevant:

(a) Consolidating of 78 C 3894 with 76 C 4763 (NR. 11 (a) § (b), per orders of November 6 and 8, 1978.

(b) Order dismissing cause as to all individuals defendants; direct defendant Board of Education to answer the complaint; vacate all prior orders of consolidation; consolidate the remaining action with 76 C 4763 for trial (NR.22), entered December 4, 1979.

(c) Judgment order that plaintiff take nothing (NR.29), entered February 27, 1980, per order dated February 25, 1980.

4. With regard to 76 C 4763, that docket contains these additional relevant entry:

(a) Judgment order that plaintiff take nothing (NR. 105), per order dated February 25, 1980.

(b) File plaintiff's notice of appeal (NR. 112), dated March 31, 1980.

5. Plaintiff has therefore initiated only one appeal, but in 76 C 4763, and not in 78 C 3894.

6. The consolidation of the case against the sole remaining defendant in 78 C 3894, the Board of Education, was for purposes of trial only; and upon the entry of a final order, the plaintiff must file a timely notice in each civil case in which she intends to appeal, Fed. Rules of App. Proced., Rule 4 (a).

7. The sole procedure for consolidated appeals is contained in F.R.A.P. Rule 3(b), but this rule cannot be implemented until and unless the appellant affects a timely notice of appeal in all cases which are to be considered for consolidation.

8. Plaintiff-appellant's notice of appeal assigned eleven trial errors, all applicable to the trial in 76 C 4763;

a) One error assigned to date of final order.

b) Three errors assigned to court rulings re: examination of witnesses.

c) One error assigned to the denial of the petition for rehearing.

d) Two errors assigned to the pre-trial dismissal of various defendants in Count II and Count IV of the Amended Complaint, upon motions by their counsel.

e) Two errors assigned to consolidations.

f) One error assigned to a denial of change of venue.

g) One error assigned to the trial judge's ruling upon the order of presenting evidence.

9. Plaintiff's Petitions for Rehearing were filed only in 76 C 4763, and related to the dismissal, or summary judgment, of the Chicago Principals' Association defendants (NR. 106, 107, 111).

10. Accordingly, plaintiff-appellant has not only never filed a notice of appeal in 78 C 3894, she has indicated by the post-trial motions and notice of appeal in 76 C 4763 that this is the only case on appeal before the Court of Appeals.

Wherefore, inasmuch as plaintiff-appellant has failed to file a timely notice of appeal and, in any event, has never filed a notice of appeal in 78 C 3894, this honorable Court should dismiss the appeal forthwith.

Respectfully submitted,

/s/ Thomas P. Brown
Thomas P. Brown

PLAINTIFF'S RESPONSE TO THE COURT ORDER TO RESPOND TO THE "MOTION OF DEFENDANTS-APPELLEES TO DISMISS THE APPEAL IN CASE NO. 80-1482 FILED herein on June 10, 1980 by Counsel for the Defendant-Appellees."

NOW COMES the plaintiff, ANABEL J. McCUTCHEON, *Pro Se,* to respond to the order of the Court and to move this Honorable Court to strike the motion of the Counsel for the Defendant with prejudice and reprimand for the legal trickery for the following reasons:

1) That Plaintiff has received no copy of the motion alleged submitted to her June 10, 1980 per Counsel's Proof of Service that must be filed with the Clerk of the Court.

2) That on numerous other occasions Defendant Attorneys have perpetrated this same legal trick on *pro se* plaintiffs of filing a motion for dismissal and not sending it until after the fact of the dismissal.

3) That Plaintiff received on June 18, 1980 the Court Order and in the same mail another "Motion of Defendants-Appellees to Supplement the Record on Appeal and Motion of Defendants-Appellees for an Extension of Time Within Which to File Brief."

The envelope containing this motion is postmarked June 16, 1980—obviously after the Court Order—and contained no other Motion.

4) That Defendant Attorney Heineke has filed inaccurate motions to dismiss, delay, postpone, ad infinitum, ad nauseum to confuse the Court when he has no knowledge or background in educationl procedures or competence in the civil rights laws involved in this cause.

In the motion above he fails to state (nor has he filed an appearance for Defendants-Appellees by name—as they have been named, summoned individually, placed in the complaint, and dismissed by name.) In accordance with Circuit Court Rule V, he has failed to make clear which Defendants-Appellees he represents, and which Defendants are requesting an extension of time.

5) That Plaintiff filed a timely Notice of Appeal; the case was docketed April 15, 1980 and Plaintiff's Brief and Argument were filed timely May 27, 1980 following two Court Holidays, May 25, 26, 1980. Argument for the Dismissal of Defendants should be placed in their Brief and not argued "piecemeal" distorting the issues.

Wherefore, Plaintiff respectfully requests this Court to strike Defendants motion for premature dismissal and reprimand Counsel for vexacious delay. Plaintiff prays this Court for an expeditious settlement of this Title VII cause, filed June 15, 1974 and not answered by Defendants in six years.

/s/ Anabel J. McCutcheon
Anabel J. McCutcheon

PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT BESSIE LAWRENCE

NOW COMES the plaintiff, Anabel J. McCutcheon, *Pro Se* to move this Honorable Court for a summary judgment of default against Defendant former Deputy Superintendent, BESSIE LAWRENCE,

who has failed to file an appearance within ten days of the docketing (April 15, 1980) of this appeal in violation of Circuit Court Rule 5. That said Defendant was served with summons, 1977; specifically named in the Complaint and in the Amended Complaint, Count I, 10d, Count IV as one of the Board Agents, responsible for "terminating plaintiff's employment with the Board." That she signed the improper suspension notice without any specifications, Sept. 15, 1976 [Appendix, p.2a] after Plaintiff's Charges to the EEOC, June 15, 1974 and subsequently leading to her dismissal, Oct. 5, 1977. That Defendant Counsel has failed to file an appearance specifically naming Defendant and is not authorized by public contract to represent former employees.

Plaintiff prays this Honorable Court for an award of punitive damages in an amount not less than $250,000 comparable to the Plaintiff's salary losses, Sept. 1, 1971-Sept. 1, 1980 for nine years of discriminatory pay less than that of male principals, District Three. The specific figures were placed before the Court and filed as early as March, 1978 in Plaintiff's Answers to the Union Interrogatories. Plaintiff seeks 4% of the legal fees, Court costs.

Plaintiff seeks an additional $500,000 for emotional damages of a six-year vexacious delay, the female "put-

down" by seventeen male Board Attorneys, representing improperly these individual defendants. The Court disparingly commented on her "disputes" and "grievances", which have seriously affected her relationships with the opposite sex.

Plaintiff seeks an additional $500,000 for social damages for the SOCIAL STIGMA attached to her firing, which this Deputy Superintendent maliciously and knowingly perpetrated against her. In addition, it is the social practice, to award a 30-year teacher, principal with a PERSONNEL DINNER, and to honor her by the attendance of the Board, City Officials; for the teachers of the Audubon Social Club to honor a colleague after 30 years service; the principals of the District 3 Social Club to honor a Colleague after 30 years service; and the members of the Chicago Principals Association to honor a colleague for service.

Not only has social stigma been recognized by the Courts, but it is a peculiar feature of this cause that this Defendant signed her name to Charge #3 accusing Plaintiff of indecency by hearsay.

Wherefore, Plaintiff seeks redress of grievances by sumwary judgment.

PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT SAMUEL DOLNICK

NOW COMES the plaintiff, ANABEL J. McCUTCHEON, *Pro Se* to move this Honorable Court for a summary judgment of default against Defendant SAMUEL DOLNICK, who has failed to file an appearance in violation of Court Rule 5. That said Defendant was served with

summons, 1977; specifically named in the Complaint; and served with NOTICE OF APPEAL. That said Defendant, as President of the Chicago Principals' Association and School Principal on leave, acted as a Board Agent in "terminating plaintiff's employment, by testifying against her as a surprise witness, Sept. 26, 1977 although the CPA Governing Board had ordered her representation, Sept. 13, 1976:

FOLLOWING HER CHARGES AGAINST HIM, Count IV in this suit: 76 C 4763. Plaintiff prays this Honorable Court for punitive, emotional, and social damages of not less than $1,000,000.

/s/ Anabel J. McCutcheon
Anabel J. McCutcheon

PLAINTIFF'S MOTION FOR A SUMMARY JUDGMENT OF DEFAULT AGAINST DEFENDANT CAREY B. PRESTON

NOW COMES the Plaintiff, Anabel J. McCutcheon, Pro Se to move this Honorable Court for a summary judgment of default against Defendant former Vice-President Defunct Board of Education, Carey B. Preston, who has failed to file an appearance within ten days of the docketing (April 15, 1980) of this appeal in violation of Circuit Court Rule 5.

That said Defendant was served with summons, 1977; specifically named in the Complaint and in the Amended Complaint, Count I, Item #10d, IV as one of the Board Agents, responsible for "terminating plaintiff's employment with the Board." That she signed the improper suspension notice without any specification, Sept. 15, 1976 [Appendix,p.2a] after Plaintiff's Charges to the

EEOC, June 15, 1974 and subsequently leading to her dismissal, Oct. 5, 1977. That said Defendant was fired by the State Legislature for misuse of funds: That Defendant Counsel has failed to file an appearance specifically naming her and is not authorized by public contract to represent her.

Plaintiff prays this Honorable Court for an award of punitive damages in an amount not less than $250,000 comparable to the Plaintiff's salary losses, Sept. 1, 1971-Sept. 1, 1980 for nine years of discriminatory pay less than that of male principals, District Three. The specific figures were placed before the Court and filed as early as March, 1978 in Plaintiff's Answers to the Union Interrogatories. Plaintiff seeks 4% of her fees, Court costs.

Plaintiff seeks an additional $500,000 for emotional damages of a six-year vexacious delay, the female "put-down" by ten male Board Attorneys, improperly representing these individual defendants, who hold a "conflict of interests" with the Body Politic Board. The Court disparingly commented on her "disputes" and "grievances" which have seriously affected her relationships with the opposite sex.

Plaintiff seeks an additional $500,000 for social damages for the SOCIAL STIGMA attached to her firing, which this Defunct Bd. Member maliciously and knowingly perpetrated against her. In addition it is the social practice, to award a 30-year teacher, principal with a PERSONNEL DINNER, and to honor her by the attendance of the Board, City officials; for the teachers of the Audubon Social Club to honor a colleague after 30 years service; the principals of District 3 social club to honor a colleague after 30 years service; and the members of the Chicago Principals Association to honor a colleague.

Not only has social stigma been recognized by the Courts, but it is a peculiar feature of this cause because the above named Defendant signed her name to Charge #3 accusing Plaintiff of indecency by hearsay.

Wherefore, Plaintiff seeks redress of grievances by summary judgment.

/s/ Anabel J. McCutcheon
Anabel J. McCutcheon

MOTION OF DEFENDANTS-APPELLEES TO SUPPLEMENT THE RECORD ON APPEAL AND MOTION OF DEFENDANTS-APPELLEES FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A BRIEF

Now come the Defendants-Appellees, the Board of Education of the City of Chicago, et al, by their attorneys Michael J. Murray and Paul H. Heineke, and move this Honorable Court to supplement the record on appeal in this case No. 80-1482, and for an extension of time within which to file a brief, and in support state as follows:

1. In an order dated January 21, 1980, the Court directed the Clerk to keep the exhibits tendered by the Plaintiff-Appellant in the Exhibit Room until further ordered by the Court. The exhibits of the Defendants-Appellees were placed in the Exhibit Room with the exhibits of the Plaintiff-Appellant at or about that time.

2. On April 4, 1980, the Plaintiff-Appellant filed a motion to reconstruct the complete 76-C-4763 file. The Court entered an order dated April 4, 1980 in which Plaintiff's motion to reconstruct was granted "to the extent that the Clerk of the court, with the cooperation of counsel for the defendants, can assist the Plaintiff who

proceeds pro se, to complete the record for the appeals she is seeking to perfect." (See Order dated April 4, 1980.)

3. After the entry of the order dated April 4, 1980, counsel for the Defendants was never contacted by the Plaintiff-Appellant to assist her in completing the record, although all counsel were willing to do so.

4. On April 17, 1980, the record on appeal was certified and transmitted to the United States Court of Appeals for the Seventh Circuit. The record consisted of three volumes of pleadings and twenty-four volumes of transcripts. No mention was made of any of the exhibits, either those admitted into evidence on behalf of the Plaintiff or those admitted into evidence on behalf of the Defendants. The exhibits in question still remain in the Exhibit Room in the Office of the Clerk of the United States District Court and were never filed.

5. On June 10, 1980, the Defendants-Appellees filed a motion to dismiss the appeal in this case for the reason that this Court does not have jurisdiction to consider this appeal due to the failure of the Plaintiff-Appellant to file a timely notice of appeal.

6. The Court, on its own motion, served Plaintiff-Appellant with a Notice to Respond to the motion to dismiss of Defendants-Appellees on or before June 23, 1980.

The brief of Defendants-Appellees in this case is due June 27, 1980, only four days later. Our brief, however, may be unnecessary, depending upon the Court's ruling on the motion to dismiss of Defendants-Appellees.

Defendants-Appellees are left, therefore, in the awkward position of preparing a brief without the benefit of their own or of any other exhibits. In her brief, Plaintiff-Appellant refers to said exhibits on several occasions. Neither the Court nor defendants-Appellees have the opportunity to refer to the exhibits which Plaintiff-Appellant discusses. It is impossible for Defendants-Appellees to submit a brief without the benefit of the transmittal of the entire record on appeal.

WHEREFORE, Defendants-Appellees pray for an order granting the transmittal of the entire record on appeal, including all exhibits which are now located in the Exhibit Room in the Office of the Clerk of the United States District Court for the Northern District of Illinois and for an extension of time of thirty days from the date of ruling on their motion to dismiss within which to file a brief on behalf of the Defendants-Appellees.

Respectfully submitted,

/s/ Michael J. Murray
Michael J. Murray

/s/ Paul H. Heineke
Paul H. Heineke

JUDGMENT ORDER

These consolidated causes have been heard by the Court, without a jury, the issues having been duly tried; the Court having made findings of fact and reached conclusions of law, and a decision having been duly rendered.

IT IS ORDERED AND ADJUDGED that the plaintiff ANABEL J. McCUTCHEON take nothing from any of the defendants in Counts I, II, III and IV and these actions, including all four counts of the consolidated complaint, be dismissed on the merits and that defendants, the Board of Education of the City of Chicago and John Carey, Carey B. Preston, Margaret Wild, Thomas J. Nayder, Catherine Rohter, Edgar G. Epps, Carmen Velasquez, Louise Malis, Herbert Johnson, Henry McGee, James F. Redmond, Joseph P. Hannon, Guy Brunetti, Michael Wrenn, Thomas Finnegan, Bessie Lawrence, Angeline Caruso, Otho Robinson, Nina Jones, Vincent J. Conroy, Gerard J. Heing, William Rohan, and Shirley Stack recover of the plaintiff Anabel J. McCutcheon their costs and fees, and that execution issue therefor.

IT IS FURTHER ORDERED that wherever the defendant Board of Education of the City of Chicago is referred to by any other name in any pleading or testimony, the record be amended and that thereafter it be referred to as: "Board of Education of the City of Chicago."

So ordered,

/s/ George N. Leighton
George N. Leighton,
United States District Judge

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Name of Presiding Judge, Honorable George N. Leighton

Cause No. 76 C 4763 and 78 C 3894 Date Feb. 25,1980

Title of Cause Anabel J. McCutcheon
vs Board of Education City of Chicago, et a

Brief Statement of Motion

judgment order

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and Addresses of moving counsel

Representing

Names and Addresses of other counsel entitled to notice and names of parties they represent.

Reserve space below for notations by minute clerk

FEB 28 1980

ORDERED that plaintiff Anabel J. McCutcheon take nothing from any of the defendants in counts 1,2,3 and 4 and these actions, including all four counts of the consolidated complaint, be dismissed on the merits and that defendants as listed in the judgment order attached hereto recover of the plaintiff Anabel J. McCutcheon their costs and fees, and that execution issue therefor.

FURTHER ORDERED that wherever the defendant Board of Education of the City of Chicago is referred to by any other name in any pleading or testimony, the record be amended and that thereafter it be referred to as: "Board of Education of the City of Chicago."

Draft

a memorandum to the Clerk.
will not rise to address the Court until motion has been called

JS6

B-7.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED
MAR 12 1980
H. STUART CUNNINGHAM, CLERK
UNITED STATES DISTRICT COURT

ANABEL J. McCUTCHEON,

Plaintiff,

vs.

CHICAGO BOARD OF EDUCATION
CHICAGO PRINCIPALS ASSOCIATION
Et Al.

Defendants.

CIVIL ACTION

NO. 76 C 4763

Consolidated 78 C 3894

THOMAS P. BROWN
Suite 1164:
121 North LaSalle (01)

NOTICE OF FILING

TO: RONALD S. COPE
ANCEL, GLINK, DIAMOND, MURPHY
111 West Washington Street
Chicago, Illinois 60602

Michael J. Murray
Earl Hoffenberg
228 North LaSalle Street
Chicago, Illinois 60601

Heineke and Schrader
135 South LaSalle Street
Chicago, Ill. 60602

Querrey, Harrow, Gulanik & Kenned
135 South LaSalle Street
Chicago, Illinois 60603

Please take notice that on the 12th day of March, 1980 Plaintiff filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, on her own behalf,

PLAINTIFF'S MOTION FOR A REHEARING

Anabel J. McCutcheon
ANABEL J. McCUTCHEON

CERTIFICATE OF SERVICE

I hereby certify that I served copies of the foregoing by mailing them to the addresses indicated, in the mail chute at the Chicago Central Post Office on Clark Street on the 12th day of March, 1980

Anabel J. McCutcheon
ANABEL J. McCUTCHEON

Apt. 3B: 1917 Tanglewood Drive
Glenview, Illinois 60025
328-1630

PLAINTIFF'S MOTION FOR A REHEARING

Now Comes the Plaintiff, ANABEL J. McCUTCHEON, *Pro Se,* to move this Honorable Court for a rehearing and reconsideration of the dismissal of the Union, Oct. 20, 1978 and other Defendants BEFORE TRIAL in view of the later testimony of Thomas Finnegan on Dec. 20, 1979:

That the Union represented male principal, Karl Siewers in Board Proceedings against him on his "misconduct" of accepting $10,000 in salary overpayments from Sept. 1, 1971 to Sept., 1977; and at the same time failed to represent Plaintiff on trivial misconduct charges and criminal charges brought in malicious prosecution after her acquital of the same charges in criminal and appellate courts; and failed to represent all female principals, District Three on their discriminatory reduction in salary, Sept. 1, 1971-Aug. 9, 1974: and inequitable classifications 1975.

That the Defendants Board of Education, the Board Attorneys, agents of the Court: MICHAEL J. MURRAY, EARL B. HOFFENBERG, AND PAUL H. HEINEKE suppressed this evidence, specifically charged in Plaintiff's Interrogatories and Deposition, July, August, 1977 and removed Defendant Witness Thomas Finnegan, politically appointed administrator, from the jurisdiction of the Court during November, 1979 following Plaintiff's notification for Defendants to be present at trial and in total disregard of the 24-hour ready call of the Court. That women adminsitrators are ordered to take their vacations during spring, Christmas, or summer vacation periods: so he was deliberately ordered out of Court jurisdiction in conspiracy to suppress his testimony against Defendants Conroy, Lawrence, Heing, and Rohan, who

granted Karl Siewers four "MERIT" raises above his classification; at the same time that they refused Plaintiff and other women principals, District Three—earned merit raises—and where upheld by their superiors (Redmond, Hannen) and the Board.

That Plaintiff filed RETALIATORY charges under the jurisdiction of 42 U.S.C. 2000—so recorded on the EEOC complaint, June 15, 1974 and by the Department of Justice in her "Right to Sue" Letter and the Court erroneously dismissed the charges against all individual Defendants BEFORE TRIAL on their allegations on "NO DISCRIMINATION ON THE BASIS OF HER SEX" ignoring RETALIATORY statutes in consolidated 78 C 3894 and consolidated and unconsolidated 78 C 3899; and denying Plaintiff's Offers of Proof of her wrongful dismissal, confiscation of property, harassment, and intimidation that is the pattern of the Defendant Board against minorities, who seek their civil rights through administrative agencies of FEPC, EEOC, DEPARTMENT OF LABOR, HEW.

That the Court erroneously accepted an affidavit of Samuel Dolnick that created evidence AFTER THE FACT to circumvent the rule of equal establishment: That the Board was also permitted to create evidence AFTER THE FACT to circumvent the rule of equal establishment by comparing principals' salaries of different dates, classifications, steps of service: and fabricating lower salaries for men and higher salaries for women THAT NEVER EXISTED: That the Defendant Board NEVER COMPARED THE MALE PRINCIPALS' SALARIES VS. THE FEMALE PRINCIPALS' SALARIES as per the specific charges naming male and female salaries and re-iterated in the Plaintiff's

answers to the Board And Union Interrogatories, Plaintiff's Deposition, 1977, and in the prima facie case the Court declared, Dec. 20, 1979:

That the Board Defendants never produced any evidence that the Administrative Compensation Plan was properly implemented by the classification review MANDATED EVERY YEAR from September 1, 1971 (pertinent testimony of the Board Defendant Witness, Mr. Sullivan);

That the Board Defendants never produced any evidence that the Adminstrative Compensation Plan was BONAFIDE or had any verified evaluation procedures to justify the higher pay of ALL THE MEN, District three including:

1. TEACHER WILLIAM BARTUCE with higher salary than Women Principals, 1974-1976;

2. TEACHER, AUDUBON ASSISTANT PRINCIPAL-TEACHER JOHN KULA, who failed the OBJECTIVE PRINCIPAL'S EXAMS (Twice) and then was placed in administrative charge (as principal) of the Audubon School by the subjective judgments of Defendants ROHAN, LAWRENCE, HANNON—in spite of the contempt of Court citations against the same LAWRENCE, HANNON in the UNION SUIT against the Defendant Board for placing UNQUALIFIED TEACHERS IN CHARGE OF SCHOOLS;

3. DEFENDANT DISTRICT SUPERINTENDENT GERARD J. HEING received higher pay above his HIGH SCHOOL PRINCIPAL CLASSIFICATION, Sept. 1, 1974—overpayments of salary THAT WERE NEVER RECOVERED (app. $5,000).

That Defendnats, to further suppress the overpayments of salary to men, District Three, deliberately withheld the discovery documents re: Karl Siewers, Gerard J. Heing, and FIGURES OF SALARY OF WILLIAM BARTUCE, alleging that he was not an administrator until 1979: which is fabricated and created evidence AFTER THE FACT of his higher salary, 1974-1976 than women principals, Anabel McCutcheon, Beatrice Cox.

That Plaintiff was denied any discovery and the Court File in the Judge's Chambers on Nov. 3, 1978 by Judge George N. Leighton because of a pre-trial order and briefing on the consolidation of three separate causes 78 C 3894, 78 C 3899, and 78 C 3955 before the latter three cases were transferred to his jurisdiction Nov. 8, 9th.

That Board Defendants (ROHAN, LAWRENCE, HANNON) harassed and intimidated PLAINTIFF'S FEMALE WITNESSES by transferring them—instead of male teachers of lessor seniority, June 16, 1977 to the supervision of Karl Siewers:

That subsequently one Nancy Gottlieb was denied the right to return to Audubon when these transfers were held discriminatory because of age; was forced to take her sick leave and resign because of improper class assignment by the principal of the Blaine, Karl Siewers; and is now threatened with dismissal by Defendants because her name appeared on the list of witnesses for this cause, Dec. 17th.

That all Board Defendants are the recipients of ILLEGALLY TRANSFERRED FUNDS (in the form of Attorneys' fees and Counsel) and are attempting to extort attorneys' fees from the Plaintiff by placing an order for attorneys' fees in the final judgment order that was in-

consistent with the ruling of the Court. That Plaintiff put on a prima facie case; Defendant Attorneys were paid by the Board without contract made in public open meetings; that Plaintiff is not responsible for any unpaid obligations of the Board in the conduct of their indiscretions.

That Defendant Attorneys should be reprimanded, dismissed for this legal trickery of double billing and wasting the time of the Court.

Wherefore, Plaintiff, respectfully requests a rehearing, reconsideration, and reversal of the judgment dismissing the Union and the Borad Defendants:

ANABEL J. McCUTCHEON

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

B-3

Name of Presiding Judge, Honorable George N. Leighton

B-3

Cause No. 76 C 4763 Date March 21, 1980

Title of Cause Anabel J. McCutcheon v. Chicago Board of Education, et al.

Brief Statement of Motion Ruling of the Court on plaintiff's Motion for a Rehearing

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and Addresses of moving counsel

Representing

Names and Addresses of other counsel entitled to notice and names of parties they represent.

Reserve space below for notations by minute clerk

Plaintiff's motion that the court grant a rehearing and reconsideration of the October 20, 1978 order dismissing " the Union ", which motion was filed March 14, 1980, final judgment in this cause having been entered on February 25, 1980, is denied without expression of any view concerning its timeliness. See Browder v. Director, Dept. of Corrections, 98 S. Ct. 556. After reviewing plaintiff's allegations, it appears plaintiff seeks the opportunity to reargue the case this court has heard thoroughly, and to which careful attention has been paid to each of plaintiff's many claims.

Hand this memorandum to the Clerk.
Counsel will not rise to address the Court until motion has been called.

IN THE UNITED STATES SUPREME COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

MAR 31 1980

H. Stuart Cunningham, Clerk
United States District Court

ANABEL J. McCUTCHEON,

Plaintiff,

vs.

CHICAGO BOARD OF EDUCATION
CHICAGO PRINCIPALS ASSOCIATION
Et Al.

Defendants.

CIVIL ACTION

NO. 76 C 4763

THOMAS P. BROWN
Suite 1164: 221 N. LaSalle
CHICAGO, ILLINOIS 60601

NOTICE OF FILING

TO: RONALD S. COPE
ANCEL, GLINK, DIAMOND, MURPHY
111 West Washington Street
Chicago, Illinois 60602

Michael J. Murray
Earl Hoffenberg
228 North LaSalle Street
Chicago, Illinois 60601

Heineke and Schrader
135 South LaSalle Street
Chicago, Ill. 60602

Querrey, Harrow, Gulanik & Kennedy
135 South LaSalle Street
Chicago, Illinois 60603

Please take notice that on the 31st day of March, 1980 Plaintiff filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, on her own behalf,

NOTICE OF APPEAL

ANABEL J. McCUTCHEON

CERTIFICATE OF SERVICE

I hereby certify that I served copies of the foregoing by mailing them to the addresses indicated, in the mail chute at the Chicago Central Post Office on Clark Street on the 31st day of March, 1980

ANABEL J. McCUTCHEON

Apt. 3B: 1917 Tanglewood Drive
Glenview, Illinois 60025
328-1630

33

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

NOTICE OF APPEAL

NOW COMES the plaintiff, ANABEL J. McCUTCHEON, *Pro Se*, to file NOTICE OF APPEAL of the Judgment Order of the HONORABLE JUDGE GEORGE N. LEIGHTON, *Feb. 25, 1980 docketed *Feb. 28, 1980. The Plaintiff's petition for rehearing being denied March 21, 1980, not docketed by the Clerk of the Court, received March 28, 1980 by improper mailing by Clerk.

THAT THE COURT ERRED IN THIS RULING, MARCH 21, 1980:

1. "That this cause was entered on *Feb. 25, 1980" because this cause was entered *Feb. 28, 1980 and a timely petition for rehearing was filed by Plaintiff. March 12, 1980 not March 14, 1980.

2. "That Plaintiff seeks opportunity to reargue the case this Court heard thoroughly" because

a) Plaintiff was denied 14 subpoenaed witnesses (who kept witness fees not awarded by the Court and never appeared at any time)

b) was denied full cross-examination of male Defendants Conroy, Heing, and Rohan on their granting merit pay raises to KARL SIEWERS, in overpayments of salary $10,000;

c) Plaintiff was denied the impeachment of Defendant Witness THOMAS FINNEGAN for covering up these overpayments, July, 1977-Dec. 20, 1979; for leaving the jurisdiction of the Court for a frivolous vacation, Nov. 1-13, 1979 DURING TRIAL CALL; and for falsifying

salaries, dates of salaries WITHOUT ANY EVIDENCE: CHARLES PACE, male principal v. BEATRICE COX, female principal; JACOB SAMUELSON, male principal v. FRANCES KNAPHURST, female principal; ANABEL J. McCUTCHEON, BETTY GORMAN female principals for whom he created salaries of $28,000 and $30,000 NEVER RECEIVED.

Wherefore, Plaintiff appeals the Judgment Orders, Rulings:

1) Denial of Rehearing, March 21, 1980 of Final Judgment Order, Feb. 28;

2) Judgment Order dismissing Defendants, Count IV, March, 1978;

3) Judgment Order dismissing the Chicago Principals Association, Oct. 20, 1978;

4) Consolidation Order, Nov. 3, 1978 before transfer Nov. 8, 1978;

5) Order Denying Plaintiff Jury Trial 78 C 3894 by reason of consolidation, Jan. 19, 1979;

6) Ruling Denying Change of Venue, Nov. 2, 1979;

7) Order of Presentation of Evidence, Dec. 17, 1979.

Anabel J. McCutcheon

CIRCUIT RULE 5. Appearance and Certificate of Interest

(a) *Appearance.* An attorney for a party to an appeal or a party desiring to appear without counsel must file a written appearance with the clerk within 10 days after the docketing of the appeal. An attorney retained or appointed after that time shall file an additional appearance within 10 days after being retained or appointed. *The appearance shall be captioned in the case and shall include the name of the party or parties represented* and the name, address, and telephone number of the attorney or the party appearing *pro se.* Attorneys' appearances shall be in their individual names but shall also show the name of any law firms or public or quasi-public legal offices with which they are associated. Copies of court notices, orders, or opinions will be sent to persons who have filed appearances at their law firms or the legal offices with which they are associated. An attorney may not withdraw from the representation of a party without consent of the court.

DOCKETED
APR 15 1980

C-1

APPEARANCE FORM

UNITED STATES COURT OF APPEALS

for the Seventh Circuit
Chicago, Illinois 60604

Cause No. 80-1482

ANABEL J. McCUTCHEON,

U.S.C.A. - 7th Circuit
FILED

Plaintiff-Appellant,

DOCKETED

APR 23 1980

vs.

THE BOARD OF EDUCATION CITY OF CHICAGO, et al.,

Defendants-Appellees.

The Clerk will enter appearance as counsel for Defendants-Appellees

1) Michael J. Murray (Signature)

Michael J. Murray (Typed Name)

Law Dept., Board of Education (Law Firm or Legal Office)

228 North LaSalle, Chicago, IL 60601 (Address)

641-3900 (Phone Number)

2) Paul H. Heineke (Signature)

Paul H. Heineke (Typed Name)

Heineke, Burke & Healy (Law Firm or Legal Office)

135 South LaSalle, Chicago, IL 60603 (Address)

236-6655 (Phone Number)

3) James Scanlon (Signature)

James Scanlon (Typed Name)

Law Dept., Board of Education (Law Firm or Legal Office)

228 North LaSalle, Chicago, IL 60601 (Address)

641-3900 (Phone Number)

4) Thomas P. Brown (Signature)

Thomas P. Brown (Typed Name)

(Law Firm or Legal Office)

221 No. LaSalle, Chicago, IL 6060 (Address)

644-3220 (Phone Number)

1. This form shall serve as notice of docketing to counsel and parties. The date of docketing appears at the upper left-hand corner of this form. *A copy of this form is also being sent to the District Court Clerk and to the Court Reporter, so that they may note the appellate docket number and the date of docketing.*

2. This form (or a facsimile) must be filed with the Clerk of the Court of Appeals within 10 days of docketing the appeal. An attorney's appearance shall be in his individual name but shall also show the name of any law firm or public or quasi-public legal office with which he is associated. See Circuit Rule 5.

3. An attorney may enter his appearance in an appeal without being admitted to the Bar of this Court. However, if he is to argue the appeal, he must be admitted no later than the date such appeal is scheduled for oral argument.

4. The record on appeal may not be withdrawn, by the attorney or his agent, until this "Appearance Form" has been filed with the Clerk. Even then, exhibits may not be withdrawn except by order of this court. Briefs will not be filed unless all of the records previously withdrawn has been returned. See Circuit Rule 4(g).

5. Pursuant to Circuit Rule 4(b), the appellant's brief is due to be filed 40 days after the docketing of the appeal, unless the Court by order, sets some other schedule. The record, with or without the court reporter's transcript, is to be filed within 14 days after the filing of the notice of appeal unless otherwise ordered by this court. See Circuit Rule 4(a).

DOCKETED
APR 16 1980

C-2

APPEARANCE FORM

UNITED STATES COURT OF APPEALS
for the Seventh Circuit
Chicago, Illinois 60604

Cause No. 80-1482

ANABEL J. McCUTCHEON,

Plaintiff-Appellant,

vs.

DOCKETED

THE BOARD OF EDUCATION CITY OF CHICAGO, et al.,

Defendants-Appellees.

The Clerk will enter appearance as counsel for Defendants-Appellees

1) Michael J. Murray
(Signature)

Michael J. Murray
(Typed Name)

Chicago Board of Education
(Law Firm or Legal Office)

228 North LaSalle Street
Chicago, Ill (Address) 60601

641-3900
(Phone Number)

DOCKETED

(Signature)

(Typed Name)

(Law Firm or Legal Office)

(Address)

(Phone Number)

2) (Signature)

(Typed Name)

(Law Firm or Legal Office)

(Address)

(Phone Number)

4) (Signature)

(Typed Name)

(Law Firm or Legal Office)

(Address)

(Phone Number)

U.S.C.A. - 7th Circuit
FILED
APR
THOMAS F. STRUBBE
CLERK

1. This form shall serve as notice of docketing to counsel and parties. The date of docketing appears at the upper left-hand corner of this form. *A copy of this form is also being sent to the District Court Clerk and to the Court Reporter, so that they may note the appellate docket number and the date of docketing.*

2. This form (or a facsimile) must be filed with the Clerk of the Court of Appeals within 10 days of docketing the appeal. An attorney's appearance shall be in his individual name but shall also show the name of any law firm or public or quasi-public legal office with which he is associated. See Circuit Rule 5.

3. An attorney may enter his appearance in an appeal without being admitted to the Bar of this Court. However, if he is to argue the appeal, he must be admitted no later than the date such appeal is scheduled for oral argument.

4. The record on appeal may not be withdrawn, by the attorney or his agent, until this "Appearance Form" has been filed with the Clerk. Even then, exhibits may not be withdrawn except by order of this court. Briefs will not be filed unless all of the records previously withdrawn has been returned. See Circuit Rule 4(g).

5. Pursuant to Circuit Rule 4(b), the Appellant's brief is due to be filed 40 days after the docketing of the appeal, unless the Court by order, sets some other schedule. The record, with or without the court reporter's transcript, is to be filed within 14 days after the filing of the notice of appeal unless otherwise ordered by this court. See Circuit Rule 4(a).

C-3

APPEARANCE FORM

UNITED STATES COURT OF APPEALS
for the Seventh Circuit
Chicago, Illinois 60604

Cause No. 80-1482

ANABEL J. MC CUTCHEON

vs.

CHICAGO BOARD OF EDUCATION, CHICAGO PRINCIPALS ASSOCIATION, ETC., ET AL.

The Clerk will enter appearance as counsel for Chicago Principals Association
(Please signify party(ies) you represent)

1) Ronald S. Cope
(Signature)
Ronald S. Cope
(Typed Name)
Ancel, Glink, Diamond & Murphy, P.C.
(Law Firm or Legal Office)
180 N. LaSalle St., Chicago, Ill. 60601
(Address)
(312) 782-7606
(Phone Number)

2) Peter M. Rosenthal
(Signature)
Peter M. Rosenthal
(Typed Name)
Ancel, Glink, Diamond & Murphy, P.C.
(Law Firm or Legal Office)
180 N. LaSalle St., Chicago, Ill. 60601
(Address)
(312) 782-7606
(Phone Number)

3) _____
(Signature)
_____
(Typed Name)
_____
(Law Firm or Legal Office)
_____
(Address)
_____
(Phone Number)

4) _____
(Signature)
_____
(Typed Name)
_____
(Law Firm or Legal Office)
_____
(Address)
_____
(Phone Number)

U.S.C.A. - 7th Circuit
Received in Clerk's Office
MAY 26 1980
THOMAS F. STRUBLE
CLERK

This form shall serve as notice of docketing to counsel and parties. The date of docketing appears at the upper left-hand corner of this form. If this appeal was docketed without prepayment of the required docketing fee ($50.00), it will be dismissed in 14 days, per Circuit Rule 26(c), if such fee has not been paid.

Pursuant to Circuit Rule 5 this form (or a facsimile) must be filed with the Clerk within 10 days of dockting the appeal.

An attorney may enter his appearance in an appeal without being admitted to the Bar of this Court. However, if he is to argue the appeal, he must be admitted no later than the date such appeal is scheduled for oral argument.

The record on appeal may not be withdrawn (by the attorney or his agent) until this "Appearance Form" has been filed with the Clerk. Even then, exhibits may not be withdrawn. Briefs will not be filed unless all of the record previously withdrawn has been returned. See Circuit Rule 4(g).

An attorney's appearance shall be in his individual name but shall also show the name of any law firm or public or quasi-public legal office with which he is associated. See Circuit Rule 5.

The Appellant's brief is due to be filed 40 days after the filing of the record on appeal, unless the Court, by order, sets some other schedule. Such time will be computed from the filing of the initial record, whether or not a supplement is filed at a later date. See Circuit Rule 8.

UNITED STATES COURT OF APPEALS
For The Seventh Circuit
Chicago, Illinois 60604

D. 1

June 18, 1980

By the Court:

On consideration of the "MOTION OF DEFENDANTS-APPELLEES TO SUPPLEMENT THE RECORD ON APPEAL AND MOTION OF DEFENDANTS-APPELLEES FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A BRIEF" filed herein on June 16, 1980 by counsel for the defendants-appellees,

IT IS ORDERED that the time for filing the defendants-appellees' brief is extended up to and including July 11, 1980.

IT IS FURTHER ORDERED that the pro se plaintiff-appellant is directed to file a response to the defendants-appellees' motion to supplement the record on appeal by June 30, 1980.

UNITED STATES COURT OF APPEALS
For The Seventh Circuit
Chicago, Illinois 60604

D - 2

June 23, 1980

By the Court:

Upon consideration of the "MOTION OF DEFENDANT APPELLEE CHICAGO PRINCIPALS ASSOCIATION FOR EXTENSION OF TIME WITHIN WHICH TO FILE ITS BRIEF" filed herein on June 19, 1980 by counsel for defendant-appellee Chicago Principals Association,

IT IS ORDERED that said motion is hereby GRANTED, and the time for filing the brief of defendant-appellee Chicago Principals Association is hereby extended to and including July 18, 1980.

UNITED STATES COURT OF APPEALS
For The Seventh Circuit
Chicago, Illinois 60604

July 14, 1980

D-3

Before

Hon. Robert A. Sprecher, Circuit Judge
Hon. William J. Bauer, Circuit Judge
Hon. Harlington Wood, Jr., Circuit Judge

On consideration of the "PLAINTIFF'S MOTION FOR A REHEARING" filed herein on June 30, 1980 by the pro se plaintiff-appellant,

IT IS ORDERED that said motion is hereby DENIED.

UNITED STATES COURT OF APPEALS
For The Seventh Circuit
Chicago, Illinois 60604

July 23, 1980

Before
Hon. William J. Bauer, Circuit Judge

Upon consideration of "PLAINTIFF'S MOTION TO STRIKE WITH PREJUDICE, ATTORNEY THOMAS BROWN'S INACCURATE RESPONSE TO DEFENDANTS-APPELLEES' MOTION TO DISMISS IN CASE" filed herein on June 30, 1980 by pro se plaintiff-appellant Anabel J. McCutcheon,

IT IS ORDERED that said motion is hereby DENIED.

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Name of Presiding Judge, Honorable GEORGE N. LEIGHTON

Cause No. 76 C 4763 Date April 11, 1980

Title of Cause McCUTCHEON V. BOARD OF EDUCATION, CITY OF CHICAGO

Brief Statement of Motion MOTION TO RECONSTRUCT, AMEND, CERTIFY THE 76 C 4763 File

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and Addresses of moving counsel
ANABEL J. McCUTCHEON
Apt. 3B: 1917 Tanglewood Drive
Glenview, Ill. 60025
328-1630 REPRESENTING HERSELF

RECEIVED
APR 25 1980
M. STUART GUNNING, CLERK
UNITED STATES DISTRICT COURT

Representing

Names and Addresses of other counsel entitled to notice and names of parties they represent.

~~MICHEAL J. MURPHY~~
CHICAGO BOARD OF EDUCTAION
~~228 North LaSalle Street (01)~~

~~THOMAS P. BROWN~~
221 N. LaSalle Street
~~Chicago 60601~~

~~PAUL H. HEINEKE~~
135 South LaSalle
~~Chicago, Ill. 60603~~

Ron Cope
Ancel, Clink, Diamond Murphy
~~180 North LaSalle~~
Chicago, Ill. 60602

Querrey, Harrow, Gulanik & Kennedy
~~135 South LaSalle Street~~
Chicago, Illinois 60603

[illegible]
[illegible]
[illegible]

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

E-1 E-1

Name of Presiding Judge, Honorable GEORGE N. LEIGHTON

Cause No. 76 C 4763 Date April 4, 1980

Title of Cause McCUTCHEON V. BOARD OF EDUCATION, CITY OF CHICAGO

Brief Statement of Motion MOTION TO RECONSTRUCT, AMEND, CERTIFY THE 76 C 4763 File

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Chicago, Ill. 60602

Querrey, Harrow, Gulanik & Kennedy
~~135 South LaSalle Street~~
Chicago, Illinois 60603

~~[illegible]~~
~~[illegible]~~
~~[illegible]~~ Jon
~~[illegible]~~ 60602

Reserve space below for notations by minute clerk

Plaintiff's motion is granted to the extent that the Clerk of this court, with the cooperation of counsel for defendants, can assist the plaintiff who proceeds pro se, to complete the record for the appeals she is seeking to perfect.

Leighton J.

Hand this memorandum to the Clerk.
Counsel will not rise to address the Court until motion has been called.

IN THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

E-2

ANABEL J. McCUTCHEON, Plaintiff--Appellant	76 C 4763
V.	Title VII Equal Pay Suit for Women Principals
CHICAGO BOARD OF EDUCATION, Et. Al.	Consolidated Count II
CHICAGO PRINCIPALS ASSOCIATION, AFL-CIO	
Defendants.- Appellees	78 C 3694 Wrongful Teacher Dismissal

PLAINTIFF'S MOTION TO EXTEND THE TIME OF FILING THE RECORD ON APPEAL

Now Comes the Plaintiff-Appellant to move this Honorable Court to extend the time of filing the record on Appeal until Monday, April 21, 1980 in order that Defendants can have time to comply with the order of Judge Leighton, granting I-A's motion for reconstruction, amendment and certification of transcript record.

U.S.C.A. - 7th Circuit
Received In Clerk's Office
APR 11 1980
THOMAS F. STRUBBE
CLERK

Apt. 3F: 1917 Tanglewood Drive
Glenview, Illinois 60025
312-324-1630

CERTIFICATE OF FILING

I hereby certify that I served copies of the above motion by mailing them to the addresses indicated of record in this cause, 76 C 4763, in the mail chute at the Glenview Post Office on the 12th day of April, 1980.

ANABEL J. McCUTCHEON

45

United States Court of Appeals 15

For the Seventh Circuit
Chicago, Illinois 60604

E, F
E-3

April 17, 19 80

By the Court:

ANABEL J. McCUTHEON,
Plaintiff-Appellant,

No. 80-1482 vs.

THE BOARD OF EDUCATION, CITY OF CHICAGO, et al.,
Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division

Nos. 76-C-4763 & 78-C-3894
George N. Leighton, Judge

On consideration of the "MOTION FOR EXTENSION OF TIME" filed herein on April 15, 1980,

IT IS ORDERED that said motion is hereby GRANTED and the time for filing the record on appeal is extended up to and including April 21, 1980.

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UNITED STATES DISTRICT COURT
EVERETT McKINLEY DIRKSEN BUILDING
UNITED STATES COURT HOUSE
CHICAGO 60604

H. STUART CUNNINGHAM
CLERK

OFFICE OF THE CLERK

April 17, 1980
(Date)

F

Hon. Thomas F. Strubbe, Clerk
U. S. Court of Appeals
for the Seventh Circuit
219 South Dearborn Street
Room 2722
Chicago, Illinois 60604

Re: ANABEL J. MC CUTCHEON v THE BOARD OF EDUCATION ETC ET A

D. C. Docket No: 76 C 4763 & 78 C 3894

U.S.C.A. Docket No: 80-1482

Dear Mr. Strubbe:

I am sending you herewith the original/supplemental (delete inapplicable entry) record on appeal. It consists of the following:

Three (3) Volumes ~~of Pleadings~~ Two(2) vols in 76 C 4763) One(1) vol in 78 C 3894

Twenty-four (24) Volumes of Transcript

_____ Volumes of Depositions

Exhibits: _____

_____

_____

Impounded Exhibits: _____

OTHER (specify): _____

Please acknowledge date of receipt of the above-mentioned materials on the attached copy of this letter.

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Very truly yours,

H. STUART CUNNINGHAM, Clerk

DC 111A
(Rev. 1/79)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. 78 C 4703
Mc Cutchcon	City of Chgo. Bd. of Ed. et al	PAGE 11 OF PAGES

DATE	NR.	PROCEEDINGS
11-22-78	64	Filed defendant, City of Chgo. Board of Education's First Amended Answer to First Amended Complaint. af
~~11-24-78~~		~~Filed plaintiff's Designation of Record on Appeal 12-11-24-78 with attachment.~~ af
~~12-21-78~~		~~Filed U.S.C.A. #78-2538.~~ af
~~1-11-79~~		~~Enter order dated 1-8-79. It is ordered that this cause is set for a status hearing on January 19, 1979 at 1 p.m. LEIGHTON, J~~ Mailed notices 1-11-79 af
1-10-79	SC	Clerk's file copy of transcript of proceedings had before Judge Leighton on 11-3-78 and 11-17-78 filed by official court reporter. (2 volumes). af
~~1-22-79~~		~~Enter order dated January 19, 1979. STatus hearing held. Leighton, J.~~ ~~Notices mailed 1-22-79~~ ~~jm~~
2-23-79	SC	Filed 2-22-79 Clerk's file copy of transcript of proceedings had before the Hon. George N. Leighton on January 19, 1979, filed by the official court reporter. jm
4-5-79		Filed 4-4-79, certified copy of order from U.S.C.A. 7th Circuit dated 2-22-79 RE: It is ordered that appeal no 78-2538 is hereby DISMISSED in accordance with F.R.of A. P. 42 (b). Appeal no. 78-2467 is an appeal from a grant of summary judgment in favor of one defendant, Chgo. Principals Assoc. etc. The remainder of the action was not dismissed or otherwise terminated. In the absence of a determination be the district court under F.R.Civ.P 54(b), such order is not appealable. Therefore, IT IS ORDERED that Appeal no. 78-2467 is hereby DISMISSED for lack of jurisdiction. It is further ordered that all relief sought in other motions in these two appeals is hereby DENIED as moot.
4-5-79		Received 4-4-79 returned record on appeal consisting of One short record. af
4-20-79		Filed 4-20-79, plaintiff's notice of filing; plaintiff's first set of exhibits for trial.
4-20-79		Filed 4-20-79, plaintiff's documents marked exh. C ($5) secured by rubber band.
4-20-79		Filed 4-20-79, copy of petition for writ of mandamus for an injunction and other relief; attachment.
4-20-79		Filed 4-20-79, documents titled administrative Basic Salary Schedule ($4) bound by rubber band.
4-20-79		Filed 4-20-79, documents titled principals' salary schedule; attachments ($3) bound by rubber band.
4-20-79		Filed 4-20-79, documents entitled administrative compensation plan ($2) bound by rubber band.
4-20-79		Filed -420-79, unlisted documents (Aug 1974) ($1) bound by rubber band. af

• continued

DC 111A
(Rev. 1 75)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. 76 C 4763
MC CUTHEON	CITY OF CHICAGO BD OF ED	PAGE 20

DATE	NR.	PROCEEDINGS
~~2-1-80~~		~~Filed large brown folder marked Defendants Exhibits from firm of Wayne A. Burke and Wesley (Placed in Vault)~~
2/6/80	103	Filed 1/31/80 Defendant's objections to plaintiff's submitted findings of fact
2/6/80	104	Enter order dated 1/31/80: The court makes findings of fact, conclusions of law and judgment from the bench. Defendants to tender judgment order consisten with courts ruling. LEIGHTON, J. ~~Mailed notices 2/6/80~~
2-28-80	105	Enter order dated 2-25-80; ORDERED that plaintiff Anabel J. McCutcheon take nothing from any of the defendants in counts 1,2,3 and 4 and these actions, including all four counts of the consolidated complaint, be dismissed on the merits and that defendants as listed in the judgment order attached hereto recover of the plaintiff Anabel J. McCutcheon their costs and fees, and that execution issue therefor. FURTHER ORDERED THATwhereever the defendant Board of Education of the City of Chicago is referred to by any other name in any pleading or testimony, the record be amended and that thereafter it be referred to as; "Board of Education of the City of Chicago." (DRAI LEIGHTON, J Notices mailed 2-28-80 JS6 Enter judgment February 25, 1980 pursuant of rule 58. By the cle
~~3-18-80~~		~~Enter order dated 3-14-80; Plaintiff's motion for rehearing on dismissal of union is entered and continued to April 4, 1980 at 9 a.m. LEIGHTON, J Notices mailed 3-18-80~~
3-19-80	106	Filed 3-14-80 Notice of filing: Plaintiffs motion for a rehear
3-25-80	107	Enter order dated March 21, 1980: Plaintiff's motion that the court grant a rehearing and reconsideration of the October 20, order dismissing "the Union", which motion was filed March 14, final judgment in this cuase having been entered on February 25 is denied without expression of any view concerning its timelir See Browder v. Director, Dept. of Corrections 98 S. Ct. 556. A viewing plaintiff's allegations, it appears plaintiff seeks th opportunity to reargue the case this court has heard thoroughl to which careful attention has been paid to each of plaintiff' many claims. - LEIGHTON, J. ~~Mailed notices 3-25-80~~

continued

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	76 C 4763
MC CUTCHEON	BD OF ED	DOCKET NO PAGE 21 OF

DATE	NR	PROCEEDINGS
4-7-80	108	Filed 4-4-80 Plaintiff's motion to reconstruct the complete 76 C 4763 file.
4-7-80	109	Enter order dated 4-4-80; Plaintiff's motion is granted to the extend that the Clerk of this court, with the cooperation of counsel for defendants, can assist the plaintiff who proceeds pro se, to complete the record for the appeals she is seeking to perfect. LEIGHTON, J Notices mailed 4-7-80 tlc
4-7-80	110	Filed 4-4-80 Plaintiff's motion for a temporary restraining order against Attorney John B. Schwartz.
4-7-80		Enter order dated 4-4-80; Plaintiff's motion is denied. John B. Schwartz is not a party to these proceedings. LEIGHTON, J Notices mailed 4-7-80 tlc
4-7-80	111	Enter order dated 4-4-80; Plaintiff's motion is denied. This court has on a number of previous occasions states its reasons for dismissing the Union from this case. LEIGHTON, J Notices mailed 4-7-80 tlc
4-8-80	112	Filed 3-31-80 Plaintiff Anabel McCutcheon USDC notice of Appeal. ($70.00 pd) tlc
~~4-8-80~~		~~Mailed 4-8-80 Copy of Notice of Appeal, Anabel McCutcheon, Paul H. Heinsic Thomas Brown, Michael J. Murray, Thomas P. Brown.~~ ~~tlc~~
~~4-8-80~~		~~Forwarded 4-8-80 Copy of Notice of Appeal, Seventh Circuit Appeal Information Sheet, and copy of Docket to U.S.C.A., 7th Circuit.~~ ~~tlc~~

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(Rev. 1/73)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO 78-3894
MC CUTCHEON	BOARD OF EDUCATION ET AL	PAGE 7 OF __ PAGES

DATE	NR.	PROCEEDINGS
1/22/80		Enter order dated 1/21/80: Trial resumes. Closing arguments concluded. Parties submitted proposed findings of fact and conclusions of law. Plaintiff tenders to the court all exhibits which have been admitted. Said exhibits are in a small [redacted]file box. Clerk directed to keep exhibits in exhibit room until further order of court. The court will rule on January 24, 1980 at 5:30 p.m. LEIGHTON, J.
SEE 76 C 4763		Mailed notices 1/22/80 ep
~~1/22/80~~		~~Received 1 small metal box containing exhibits of Plaintiff (box not locked)~~ ep
1/31/80		Enter order dated 1/24/80: Trial resumes. Plaintiff'smotion to strike proposed findings of fact 78C3894 of defendant attorney Brown is denied. Plaintiff's motion for a judgment in her favor against the Board in count 2, 78C3894 is denied. Plaintiff's motion to vacate order of dismissal of individual defendants or in the alternative a rehearing re-trial by jury is denied. Plaintiff's motion to strike defendants exhibits as inadmissible is denied. Plaintiff's motion for a declaratory judgment against the Board in counts 1 and 3 is denied. Plaintiff's motion to vacate order of dismissal of all defendants count 4 is denied. Plaintiff's motion for a judgment of punitive and emotional damages against defendants Finnegan, his superior; Brunetti and Hannon is denied. LEIGHTON, J.
SEE 76 C 4763		Mailed notices 1/31/80 ep
2/6/80		Enter order dated 1/31/80: The court makes findings of fact conclusions of law and judgment from the bench. Defendants to tender judgment order consistent with court's ruling. LEIGHTON, J.
76 C 4763		Mailed notices 2/6/80 ep
2/27/80		Enter order dated 2/25/80: ORDERED that plaintiff Anabel J. McCutcheon take nothing from any of the defendants in counts 1,2,3 and 4 and these actions, including all four counts of the consolidated
	29	complaint, be dismissed on the merits and that defendants as listed in the judgment order attached hereto recover of the plaintiff Anabel J. McCutcheon their costs and fees, and that execution issue therefor. FURTHER ORDERED that wherever the defendant Board of Education of the City of Chicago is referred to by any other name in any pleading or testimony, the record be amended and that thereafter it be referred to as: "Board of Education of the City of Chicago." DRAFT LEIGHTON, J.
		Mailed notices 2/27/80 (JS-6) ep
2/27/80		Enter 2/25/80 judgment pursuant to Rule 58 — BY THE CLERK ep
		(document in file 76C4763)

continued

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(Rev. 1/78)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO 78C3894
MC CUTCHEON	BOARD OF EDUCATION ET AL	PAGE 8 OF __ PAGES

DATE	NR.	PROCEEDINGS
4/8/80	30	Filed 4/4/80 Plaintiff's motion to reconstruct the complete 76 C 4763 file
4/8/80	31	Enter order dated 4/4/80: plaintiff's motion is granted to the extent that the Clerk of this court, with the cooperation of counsel for defendants, can assist the plaintiff who proceeds pro se, to complete the record for the appeal she is seeking to perfect. LEIGHTON, J. Mailed notices 4/8/80 ep

MOTION

Now comes the Plaintiff, ANABEL J. McCUTCHEON, and petitions this Honorable Court for a temporary restraining Order or preliminary injunction ordering the Defendant, CITY OF CHICAGO BOARD OF EDUCATION and its General Superintendent, lesser superintendents, employees, and agents to reinstate her to her position as principal of the Audubon School, with full pay, vacation-, sick-, and business-leave, all rights and duties until the Equal Employment Opportunity Commission has had an opportunity to investigate and report to this Court its findings of sex discrimination, deprivation of her rights under Title VII of the Civil Rights Act of 1964, as amended, and the Thirteenth Amendment to the United States Constitution and the Fourteenth Amendment to the United States Constitution as it applies to the body politic of the State of Illinois.

The Plaintiff complains that there has been a conspiracy by the City of Chicago Board of Education, its Board members, lesser superintendents, employees, agents to deprive the Plaintiff of her rightful compensation by the Board's conduct and said conspiracy has been in existence since the implementation of the Chicago Board of Education Administrative Compensation Plan (71-270) on September 1, 1971.

That the Defendant City of Chicago Board of Education, its Board members, General Superintendent, lesser superintendents, employees and agents have sought to resist Plaintiff's claim for just and due compensation and have failed to cooperate with the Equal Employment Opportunity Commission in the investigation of her case and that the Equal Employment Opportunity Commission has not carried on an investigation based on her Com-

plaint and Plaintiff is hereby being deprived of her rights secured by Title VII of the Civil Rights Act of 1964, and all other rights heretofore referred to.

The General Superintendent of the City of Chicago Board of Education, acting on behalf of the Board of Education and the Board of Education have suspended the Plaintiff from her principalship in the Audubon School since September 7, 1976, based upon wrongfully brought charges and in retaliation for her administrative complaints, grievances under Union contract (as per the Memorandum of Understanding and salary appeals under the Plan [71-720] regarding equal pay and regarding her complaints listed as discriminatory practices in Paragraph 12, sub-paragraphs A, B, C, D, F, G and H of her Statement of Claim.

That the General Superintendent and the various lesser superintendents involved in these discriminatory practices have denied her her rights under the aforesaid Civil Rights Act of 1964 and by their conduct in failing to respect procedural and substantive due process rights afforded her under the United States Constitution and rights afforded her under the Thirteenth and Fourteenth Amendments to the United States Constitution.

That the Plaintiff, in pursuing her rights, grievances and appeals as an employee of a body politic and corporate division of the State of Illinois, has been deprived of her rights by the conduct of the General Superintendent, lesser superintendents, employees and agents of the Board of Education, by their perfunctory denial of each and every administrative complaint, grievance and appeal for redress with regard to her compensation, concerning the discriminatory practices as outlined in her Statement of Claim in Paragraph 12, sub-paragraphs A, B, D, F, G and H.

That a list of ten charges for suspension was served on the Plaintiff and that her suspension in September of 1976 and her suspension hearings have been conducted by a Trial Committee of the Board of Education, consisting of Defendants herein, CAREY B. PRESTON, HENRY McGEE, MARGARET LYDON WILD and LOUISE MALIS (Alternate) and have currently been continued to May 16, 1977, after numerous hearings in which approximately 1,200 pages of testimony and argument have been presented by a prosecuting Chicago Board of Education attorney on behalf of the General Superintendent to the Trial Committee, with the exception of one Trial Committee member, HENRY McGEE, who has been absent for most of the hearings.

That the Plaintiff believes her suspension grew out of her complaints (73 CH 1355--Pre-Trial call September 1, 1976) grievances (confiscated vacation April through August 1976), demands and requests for adequate compensation, vacation, sick leave as a female principal equal to male principals in her Superintendent's School District Three.

As a result of her pursuing her rights for equal pay with her male counterparts under the Performance Appriasal Plan (PAP) (71-270), the Defendant City of Chicago Board of Education, Board members, the General Superintendent, lesser superintendents, employees and agents of the Board of Education have retaliated by causing her suspension without pay, vacation-, sick-, and business-leave, pension rights and tax sheltered annuity privileges previously afforded her as Principal of the Audubon School.

In addition, the General Superintendent, through the defendant Assistant Superintendent of Personnel, Dr. Nina Jones, has refused her a teacher's conditional employment under the Chicago Board of Education Rules, Section 4-21a, although Plaintiff holds three valid teaching certificates and Defendant has refused to recognize both the Plaintiff's teacher and principal's seniority rights under the said Board Rules, Section 4-28 d,e causing the denial of Plaintiff's social security unemployment benefits from the State of Illinois and additionally, female teachers who spoke in defense of principal Plaintiff were harassed by male staff of the General Superintendent, lesser superintendents by 1) isolation, discrimination at professional meetings, by 2) threats of transfer to undesirable schools under the racial quota, by 3) threats of lowering efficiency grades, by 4) removal of school supplies and 5) orders to attend evening community meetings without pay etc.

All of the above retaliatory acts occurred from the Defendant Assistant Superintendent of Personnel following the Plaintiff's filing of charges with the Department of Health, Education and Welfare; Director Kenneth A. Mines, Office for Civil Rights, Region V, September 24, 1975; January 3, 1976; January 8, 1976; June 19, 1976 (Improper Personnel Transfer Incidents) Specific sexual discrimination on pay, salary benefits under Title VI and IX, March, 1976.

WHEREFORE, your Petitioner prays for the entry of an Order in accordance with this Motion and in accordance with her Complaint herein, for the entry of an Order temporarily restraining and enjoining the Defendants City of Chicago Board of Education, Board members, General Superintendent, lesser superintendents, employ-

ees, agents and officers from conducting suspension hearings on charges brought against the Plaintiff and an Order compelling the aforesaid Defendants to reinstate the Plaintiff with full back pay, 12 days sick leave, 3 days business leave, five weeks vacation accumulated equal to the pay of male principal, Dr. Eugene Richards, now at the Audubon School. In addition, a grievance hearing on restoration of 41 days vacation and 4½ days sick leave confiscated from the Plaintiff's paycheck without grievance hearing by District Superintendents Gerald J. Heing and William Rohan, Defendants, following EEOC charges filed against them May 1, 1975 and April 8, 1976 respectively, is requested; and full back pay from September 7, 1976 until the present date and with full pension rights, title and tax-sheltered annuity privileges previously afforded her as principal of the Audubon School in the Chicago Public School System and for an Order on the Equal Employment Opportunity Commission to conduct an investigation on the charges heretofore filed with that agency and charges contained in the Complaint of the Plaintiff, within 120 days.

Anabel J. McCutcheon
By: Mitgang, Levine and Schwartz
Attorney for Plaintiff

PROOF OF SERVICE

JEAN E. GOLDBERG, being first duly sworn on oath, deposes and states that she served a copy of the foregoing Notice of Motion and Motion for Preliminary Injunction, Temporary Restraining Order and other relief, on all attorneys of record, by handing copies of same to Cindy Carey in the Chicago Board of Education Legal Department; to Libby Moss at the offices of Ronald Cope; and to Bernice Coulter in the offices of Heineke and Schrader, on May 17, 1977, before the hour of 4:15 p.m.

/s/ Jean E. Goldberg

SUBSCRIBED and SWORN TO
before me this 17th day of
May, 1977.

/s/ Patrick P. Copanns
Notary Public

LEGAL MEMORANDUM IN SUPPORT OF MOTION OF MAY 20, 1977, FOR TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION

The Federal District Court has the power to issue a Temporary Restraining Order or Preliminary Injunction against the Defendant City of Chicago Board of Education, its General Superintendent, Lesser Superintendents, agents, servants and employees, ordering them to reinstate the Plaintiff to her position as principal of the Audubon School, with full back pay, sick-leave, business leave and all rights, duties and privileges, until the Equal Employment Opportunity Commission has completed its investigation of the charges of sex discrimination and retaliation charges.

The Equal Employment Opportunity Act of 1972 and Title VII of the Civil Rights Act of 1964, confer the power upon the Federal District Courts to grant preliminary relief to an individual such as the Plaintiff, ANABEL J. McCUTCHEON.

Individual Plaintiffs have the right to temporary relief against an employer who retaliates against an employee who has complained of sex discrimination by the employer. *Drew* v. *Liberty Mutual Insurance Company*, 480 F. 2d 69, U.S. Ct. of App., 5th Circuit, 1973. Certiorari was denied in 417 U.S. 935 (1974).

The right of an individual complainant before the Equal Employment Opportunity Commission to be free from discriminatory conduct is found in 42 U.S.C.A., S2000e-2(a):

> "It shall be an unlawful employment practice for employers . . . to discriminate against any individual,

. . because he opposed any practices made an unlawful practice by this Title, or because he made a charge, testified, assisted or participated in any matter in an investigation, proceeding or hearing under this Title."

Under Title VII of the Civil Rights Act of 1964, §706 (a) (3):

"Each United States district Court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this title. . .

. . . (g) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice and order such affirmative action as may be appropriate, which may include, but is not limited to, reinstatement of hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), or any other equitable relief as the court deems appropriate. Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. . ."

Federal District Courts, prior to the 1972 Amendments, had favored equitable remedies to vindicate the right to be free from discriminatory conduct.

Sanders v. *Dobbs Houses, Inc.*, 431 F. 2d 1097 (5th Circuit, 1970). The Supreme Court decision in *Jones* v. *Alfred Meyer Co.*, 392 U.S. 490 declared that a Federal Court has the right to fashion effective equitable remedies where a statute failed to provide explicit method of enforcement, which was found in 42 U.S.C. §1982. This section deals with the right of citizens to deal equally with real and personal property.

The *Drew* case, supra, is the leading case in the Federal system on the right of the Federal Court to issue a preliminary injunction or temporary restraining order against Defendants which are respondents to EEOC charges by a Plaintiff until the EEOC has concluded its investigation and conciliation process. The District Courts have allowed such equitable relief pending the administrative proceedings of the EEOC. *Hyland* v. *Kenner,* 9 EPD, ¶10,108, (1974), S.D. of Ohio; *Bales* v. *General Motors*, 9 EPD, ¶10,112 (1975), N.D. of Cal.; *Grubbs* v. *Bctz et al,* 514 F. 2d 1323, (1975), Ct. of App., D. of C.; *Baxter* v. *Sharpe* et al, 9 EPD, ¶10,217, (1975), W.D. of North Carolina; *EEOC* v. *Union Bank of Arizona,* 11 EPD, ¶10,764, (1976) D.Ct. of Arizona; *Rutherford* v. *American Bank of Commerce,* 11 EPD, ¶10,829 (1976), D.Ct. of New Mexico; *EEOC and Tobler* v. *Pacific Press Publishing Association*, 535 F.2d 1182 (1976) (9th Circuit); *Griffiths* v. *Hampton et al,* D.Ct. of D.C., 12 EPD, ¶11,038 (1976); *Aguirre* v. *Chula Vista Sanitary Service*, 542 F. 2d 779, (1976) (9th Circuit).

Respectfully submitted,

Mitgang, Levine and Schwartz
By /s/ John B. Schwartz
John B. Schwartz
Attorney for the Plaintiff

AFFIDAVIT OF ANABEL J. McCUTCHEON IN SUPPORT OF MOTION FOR PRELIMINARY RELIEF

Now comes ANABEL J. McCUTCHEON, being first duly sworn on oath, and in support of her Motion for preliminary relief ,deposes and states as follows:

1. That she has been a principal in the Chicago Public School System, at the Audubon School for the past ten years.

2. That she has filed charges of sex discrimination with the Equal Employment Opportunity Commission in the beginning of 1974 against the Defendant, CITY OF CHICAGO BOARD OF EDUCATION, hereinafter referred to as the "Board". Subsequent to filing said charges, she filed two or three retaliatory charges against various District Superintendents and employees of the Board; namely, Dr. Gerald J. Heing, Dr. Bessie Lawrence and Dr. William Rohan, and these matters have never been investigated and because of a lack of action on the part of the EEOC she has sought and obtained her "Right to Sue" letter, attached hereto and identified as Exhibit A.

3. That her complaints and grievances and appeals through the regular procedures afforded her as a principal and employee of the Board on charges of sex discrimination have all been denied and in some cases, denied summarily.

4. That discriminatory practices and retaliation against her culminated in her being suspended from her position as principal of the Audubon School with charges filed against her as of September 7, 1976, which charges

are attached hereto and identified as Exhibit B, to which she filed her Motion to Dismiss, attached and identified as Exhibit C1 through and including C4.

5. That she has not been given her rights of procedural due process afforded other principals by the Board in the past, in that she never received any warnings or notices concerning the alleged charges and specifications which were contained in Exhibit B.

6. That prior to the suspension charges which the Board filed against her and after the complaint of sex discrimination had been filed and after notices to various superintendents, she was threatened with a loss of pay if she carried out such charges and she was, in fact, refused appropriate grievance hearings, appeal hearings and ratings.

7. That the Performance Appraisal Plan (PAP) for all administrators of the Chicago Board of Education was in existence from September 1971 until September 1976 and that by the administration of this so-called "Merit Plan", your affiant believes she has been discriminated against because of her sex.

8. She has suffered irreparable harm by the bringing of charges against her and by her suspension and by the fact that she has never been accorded a hearing or appropriate investigation by the Board on her charges of sex discrimination and in some instances she has received less pay than a male counterpart. During the summer months of 1974, while your affiant was temporarily assigned to Lakeview High School, she received less pay than a male principal sitting in a similar desk, in the same room, doing the same or similar work, for which he received greater pay. During the summer months of

1975 your affiant was temporarily assigned to other schools as "summer relief" for the regular principals of such schools, for which she received less pay than the male principal for doing the same job during the summer as he was doing during the year.

9. That subsequent to her suspension from the Audubon School, she was replaced by a male principal, who was given a greater salary than that earned by your affiant prior to her suspension, although he is doing the same job.

10. That she had been advised by various employees and agents of the Board that the personal charges of sex discrimination should not have been brought against them and that it could hurt her and could end up backfiring on her.

11. That the Board of Education has conducted acts of retaliation against her and has refused to even discuss her requests and the requests of her attorney that she be assigned to a position as a teacher in one of the Chicago Public Schools during the pendency of her suspension, although she holds three teaching certificates and a principal's certificate.

12. Your affiant is prepared to introduce evidence, both oral and documentary to substantiate her claims of sex discrimination.

Further Affiant sayeth not.

Anabel J. McCutcheon

BOARD OF EDUCATION · CITY OF CHICAGO · TEACHER'S ATTENDANCE REPORT

P.E 913A

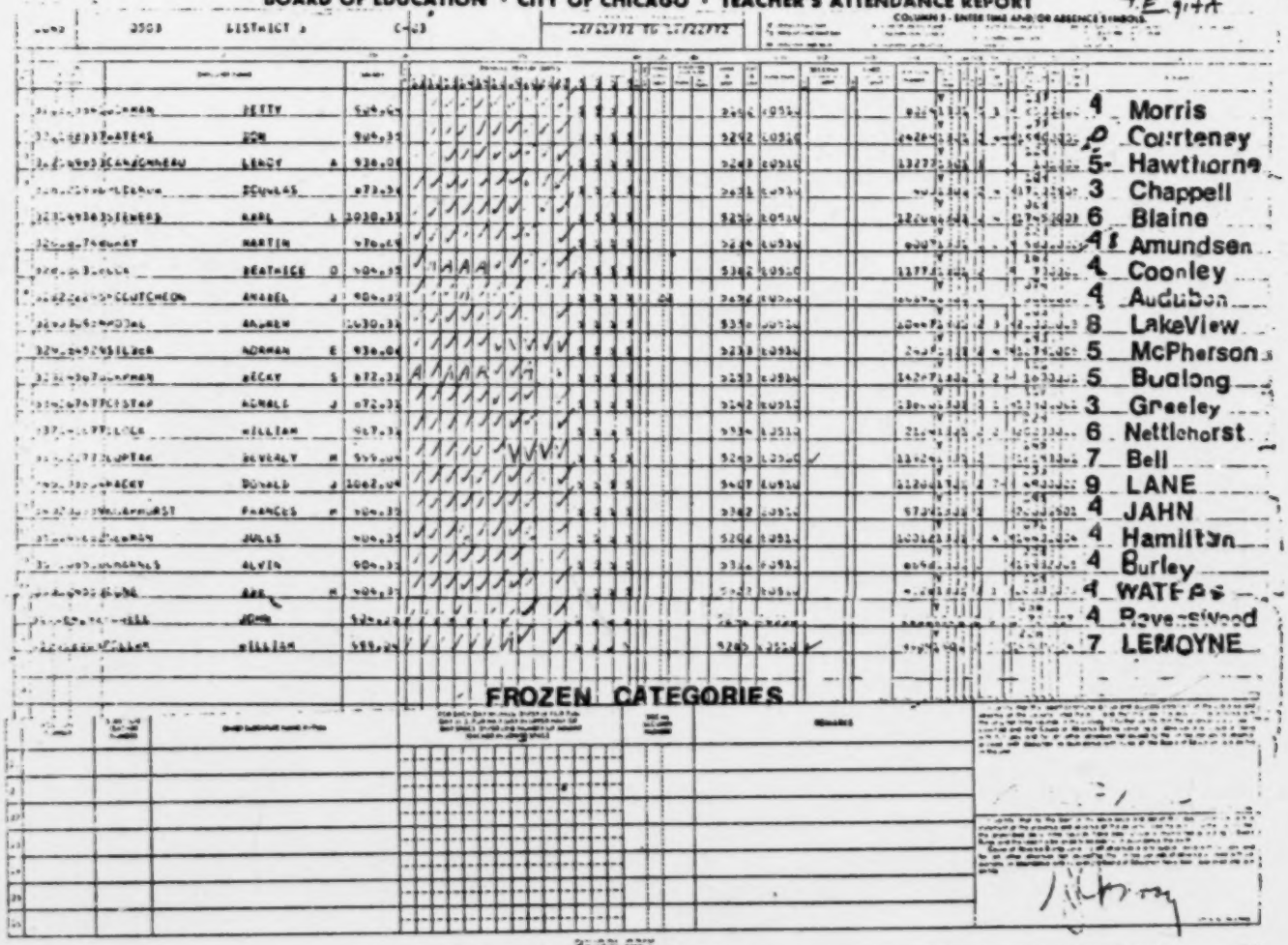
0747 | 0503 | DISTRICT 3 | C-03

4 Morris
4 Courtenay
5 Hawthorne
3 Chappell
6 Blaine
4 Amundsen
4 Coonley
4 Audubon
8 Lakeview
5 McPherson
5 Budlong
3 Greeley
6 Nettlehorst
7 Bell
9 Lane
4 Jahn
4 Hamilton
4 Burley
4 Waters
4 Ravenswood
7 Lemoyne

ESTABLISHMENT OF BASIC SALARY

SCHOOL COPY

BOARD OF EDUCATION · CITY OF CHICAGO · TEACHER'S ATTENDANCE REPORT



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4 Ravenswood
7 LEMOYNE

FROZEN CATEGORIES

— 62a —

PE 95A

BOARD OF EDUCATION • CITY OF CHICAGO • TEACHER PAYROLL SIGNING REGISTER

44 0513 DISTRICT 3 — C-13 — 12/11/72 TO 12/21/72 — 0825

| | | |

EEOC CHARGES TCH 5-0061
EQUAL PAY ACT OF 1963, TITLE VII

Illinois Fair Employment Practices Act
(Ill. Rev. Stat. Ch. 48, §§851-853)
Ill. Rev. Stat., 1975: 122: §34-85

Reproduced by Anabel J. McCutcheon
(For Appeal 80-1482)

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

536 South Clark Street
Chicago, Illinois 60605
Telephone: 353-7550
August 12, 1974
In Reply Refer To:
TCH5-0061

Ms. Anabel J. McCutcheon
Apt. 3B 1917 Tanglewood Drive
Glenview, Ill. 60025

Dear Ms. McCutcheon:

We have received your communication alleging unlawful employment practices in violation of Title VII of the Civil Rights Act of 1964. Under Section 706(b) of Title VII this Commission is unable to accept jurisdiction in your case until the matter has been deferred for 60 days to the State of Illinois, Fair Employment Practices Commission, 179 West Washington Street 4th Floor, Chicago, Illinois 60602. We are sending a copy of your correspondence to that state agency. You will be contacted if additional information is needed.

Unless the Commission hears from you to the contrary, we will automatically assert jurisdiction over your charge on the 61st day after receipt by the state agency of your charge. If the state should earlier terminate its proceedings, or if the time limit set forth in the statute for the Commission to assert jurisdiction is about to expire, we will at that time assert jurisdiction.

When the Commission asserts jurisdiction of your charge, your charge will then be placed in a pending assignment drawer to await assignment to an investigator. Because of a large case backlog in this office it will be quite some time before your case comes up for investigation; there-

fore, it is not necessary for you to contact this office regarding the status of your charge at this time. When your case has been assigned to an investigator, the investigator will contact you when he is ready to begin investigation of the matters you have complained of.
If you have moved or changed your telephone number since your last contact with the Commission, please notify the Commission in writing of your current address and telephone number.

Sincerely,

/s/ Donald W. Muse
Donald W. Muse
District Director

Local 2, School Administrators and Supervisors Organizing Committee, AFL-CIO

LaSalle-Wacker Building 221 North LaSalle Street
Chicago, Illinois 60601 (312) 263-7767

June 9, 1975

Mr. Donald W. Muse
Equal Employment Opportunity Commission
Chicago District Office
536 South Clark Street
Room 234
Chicago, Illinois 60605

RE: TCHS-0061 (Amended)

Dear Mr. Muse:

Enclosed is a copy of a letter dated June 3, 1975, which I received as president of the Chicago Principals Association from Anabel J. McCutcheon. Also, enclosed is a copy of EEOC Form 131, dated May 21, 1975, which was entered against me as president of the Chicago Principals Association by the same individual.

Although I do not know the specific details of the allegations made against me, it appears that the items checked on the EEOC Form and the allegations made in the letter of June 3 are the same.

Since I am not knowledgeable about EEOC procedures and my liability in discussing items about which I am charged, could you please advise me whether or not I may respond to the letter of June 3 without jeopardizing my rights involving the allegations made against me. Your cooperation in helping me to proceed in the proper manner is appreciated.

Sincerely yours,

/s/ Samuel L. Dolnick
Samuel L. Dolnick

President

SLD: vs
cc Anabel J. McCutcheon

President
Samuel L. Dolnick
First Vice-President
Ernestine D. Curry
Second Vice-President
Bruce H. Berndt
Secretary
Catherine E. Modjeska
Treasurer
John L. Ryan

AFFILATIONS: School Administrators and Supervisors Organizing Committee, Chicago Federation of Labor-Industrial Union Council, Illinois Federation of Labor-Congress of Industrial Organizations, American Federation of Labor-Congress of Industrial Organizations

Board of Education
City of Chicago

JOHN J. AUDUBON ELEMENTARY SCHOOL
3500 North Hoyne Avenue
Chicago, Illinois 60618
Telephone 525-6937

Anabel J. McCutcheon
Principal

John F. Kula
Assistant Principal

June 3, 1975

Mr. Samuel Dolnick, President
Chicago Principals Association
221 North LaSalle Street
Chicago, Illinois 60601

Dear Mr. Dolnick:

On May 8, 1975 following a telephone conversation with you, I sent you ten copies of a dittoed request for CPA representation concerning a discriminatory letter of Dr. Shirley Stack, refusing me an interview for the principalship of the Von Steuben. I also sent you several copies of her letter.

In reply you sent me a letter signed by you proposing a grievance—following the appointment of William Schertler. Because you have initiated the following grievances for me and then refused me CPA representation when I reached the Board level: I am now requesting that you clarify exactly the nature of your representation:—

1. Fire Escape Locking by engineer-custodian, October, 1973

2. Merit Appeal, Grievance on D. S. Procedures, November 15, 1973 BEFORE VOTE OF DIRECTORS' Ruling

3. Logan 1969 Unsatisfactory Rating to Grievance AAA, 1972-1973: You initiated January, 1974

4. Roof Cave-In—February, 1974 represented by Beulah Jones, Bruce Berndt started May, 1973—No decision from Board TO DATE.

Does this grievance you propose to initiate have the vote of the Directors as per your letter of March 11, 1975? I am also not happy with the ineffectualness of the grievance *you* propose, which will only be time-consuming without benefits to me. If you wish to know the names of the "Principal Nominating Committee" why don't you just pick up the phone? The redress I wish is the salary of the job and EQUAL OPPORTUNITY for promotion. I can document that I am better qualified than William Schertler of lesser seniority and no principal's experience.

Very truly yours,
/s/ Anabel J. McCutcheon, Principal
Anabel J. McCutcheon

CC:
Board of Directors

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CHICAGO DISTRICT OFFICE
Federal Building - Room 2234
536 S. Clark Street
Chicago, Illinois 60605

363-7550

PERSON FILING CHARGE

(4)

Anabel McCutcheon

THIS PERSON (Check one)

X	CLAIMS TO BE AGGRIEVED
	IS FILING ON BEHALF OF A PERSON CLAIMING TO BE AGGRIEVED
	IS A COMMISSIONER OF EEOC

DATE OF ALLEGED VIOLATION
6-17-74 & Cont

PLACE OF ALLEGED VIOLATION
Chicago IL

CHARGE NUMBER
TCH5-0061 (amended)

TO: Chicago Principal's Assn
Local #2
221 N LaSalle St
Chicago, IL

NOTICE OF CHARGE OF EMPLOYMENT DISCRIMINATION

(See Notice of Non-retaliation on reverse)

You are hereby notified that a charge of employment discrimination under Section 706 of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e-5, as amended, has been filed against you. Information relating to the date, place, and circumstances of the alleged unlawful employment practice or practices is provided herein.

No action on your part is necessary at this time. However, if you wish to submit any information in writing, it will be made a part of the file and will be considered at the time we investigate this charge. Telephone communications cannot be made a part of the record. Section 1602.14 of the Commission's Regulations (See attachment) requires the preservation of all personnel records relevant to this charge, as described below, until it is resolved.

Because of the Commission's volume of pending work, we are unable to tell you when we can schedule investigation of this charge; we will, however, contact you at the earliest possible date.

BASIS OF DISCRIMINATION — ☐ RACE OR COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN

NATURE OF CHARGE

	HIRING		DISCHARGE		LAYOFF		RECALL
X	WAGES		PROMOTION		DEMOTION		SENIORITY
	JOB CLASSIFICATION		TRAINING/ APPRENTICESHIP		EXCLUSION	X	UNION REPRESENTATION
	SEGREGATED LOCALS		REFERRAL		QUALIFICATION/TESTING		ADVERTISING
X	BENEFITS		SEGREGATED FACILITIES		INTIMIDATION/ REPRISAL	X	REPRISAL (USE 704(a) ONLY)
	TERMS AND CONDITIONS		UNSPECIFIED AND OTHER		OTHER (Specify)		

DATE: 5-21-75

TYPED NAME OF DISTRICT DIRECTOR:

SIGNATURE: Donald W. Rose

EEOC FORM NO. 131 PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE

RESPONDENT'S COPY

EQUAL PAY ACT OF 1963

(Act of June 10, 1963, Public Law 88-38, 77 Stat. 56, effective June 11, 1964)

[¶ 22,298]

AN ACT

To prohibit discrimination on account of sex in the payment of wages by employers engaged in commerce or in the production of goods for commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE

[Section 1.] This Act may be cited as the "Equal Pay Act of 1963".

DECLARATION OF PURPOSE

Sec. 2. (a) The Congress hereby finds that the existence in industries engaged in commerce or in the production of goods for commerce of wage differentials based on sex—

(1) depresses wages and living standards for employees necessary for their health and efficiency;

(2) prevents the maximum utilization of the available labor resources;

(3) tends to cause labor disputes, thereby burdening, affecting, and obstructing commerce;

(4) burdens commerce and the free flow of goods in commerce; and

(5) constitutes an unfair method of competition.

(b) It is hereby declared to be the policy of this Act, through exercise by Congress of its power to regulate commerce among the several States and with foreign nations, to correct the conditions above referred to in such industries.

[EQUAL PAY AMENDMENT OF FLSA]

Sec. 3. Section 6 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. *et seq.*) is amended by adding thereto a new subsection (d) as follows: [The amendments made by the Equal Pay Act of 1963 are incorporated in place in the Fair Labor Standards Act of 1938, as amended, reproduced in full text at ¶22,050.]

[EFFECTIVE DATES]

Sec 4. The amendments made by this Act shall take effect upon the expiration of one year from the date of its enactment: *Provided,* That in the case employees covered by bona fide collective bargaining agreement in effect at least thirty days prior to the date of enactment of this Act, entered into by a labor organization (as defined in section 6(d)(4) of the Fair Labor Standards Act of 1938, as amended), the amendments made by this Act shall take effect upon the termination of such collective bargaining agreement or upon the expiration of two years from the date of enactment of this Act, whichever shall occur first.

FEPC

COMMISSION STAFF

WAYNE WILLIAMS, *Executive Director*

D. MAXINE LONGNECKER, *Staff Administrator*

LEO FRANKLIN, *Director, Division of Field Operations*

PAT WORACK, *Director, Division of Case Coordination*

LINDA G. MAYER, *Director, Division of Public Contracts*

JOHN G. CHEEKS, *Director, Springfield Office*

WILLIAM FAULKNER, *Area Representative, Southside Office*

RICHARD RAMOS, *Area Representative, Northside Office*

ILLINOIS FAIR EMPLOYMENT PRACTICES ACT

(Ill. Rev. Stat., Ch. 48, §§ 851-867)

§ 1. Declaration of policy.
§ 2. Definitions.
§ 3. Unfair employment practices.
§ 4. Public contracts. Rules and Regulations.
§ 5. Illinois Fair Employment Practices Commission.
§ 6. Powers and duties of the Commission.
§ 7. Educational program.
§ 8. Procedure—charge, investigation, conference, settlement, adjustment, complaint, answer, hearing, order, review by Commission, order.
§ 9. Additional powers of the Commission—Appearances of witnesses—Service of process.
§ 10. Judicial review.
§ 11. Judicial enforcement.
§ 12. Venue.
§ 13. Service of process or notice—sufficiency.
§ 14. Operative date.
§ 15. Separability.
§ 16. Short title.
§ 17. Agreements with Federal Agencies.

AN ACT *to promote the public health, welfare and safety of the People of the State of Illinois by reducing denial of equality of employment opportunity because of race, color, religion, sex, national origin or ancestry; to create a Fair Employment Practices Commission, to define its functions, powers and duties, to provide for enforcement of its orders, and to make an appropriation in connection therewith. As amended by P.A. 77-1342, §2, effective August 27, 1971.*

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

851. § 1. Declaration of Policy.) Whereas denial of equal employment opportunity because of race, color, religion, sex, national origin or ancestry with consequent failure to utilize the productive capacities of individuals to the fullest extent deprives a portion of the population

of the State of earnings necessary to maintain a reasonable standard of living, thereby tending to cause resort to public charity and may cause conflicts and controversies resulting in grave injury to the public safety, health and welfare:

Therefore, it is declared to be the public policy of this State that without in any way precluding any employer from selecting between persons of equal merit, ability, and capabilities, equal employment opportunity or apprenticeship opportunity without discrimination because of race, color, religion, sex, national origin or ancestry should be protected by State law.

It is also the public policy of this State to protect employers, labor organizations and employment agencies from unfounded charges of discrimination.

852. § 2. Definitions.) When used in this Act, unless the context otherwise requires, the term:

(a) "Commission" means the Fair Employment Practices Commission created by this Act.

(b) "Complainant" means any individual charging on his own behalf to have been personally aggrieved by an unfair employment practice.

(c) "Employee" includes and means any individual performing services for remuneration within this State for an employer, or who is an apprentice, or who is an applicant for any apprenticeship; except that the term "employee" does not include domestic servants in private homes, individuals employed by persons who are not employers as defined by this Act, or persons employed in "agricultural labor" as that term is defined in The Unemployment Compensation Act [Ill. Rev. Stat., Ch. 48, §§ 300 et seq.] as now or hereafter amended; nor does the term "employee" include any elected public official or the members of his immediate personal staff or the principal administrative officers of the State of Illinois or of any political subdivision, municipal corporation or other governmental unit or agency thereof.

(d) "Employer" includes and means: (i) any person (as defined in this Section) employing 50 or more persons within the State within each of 20 or more calendar weeks within the current or preceding calendar year prior to July 1, 1968, and beginning July 1, 1968, any person employing 25 or more persons during 20 or more calendar weeks within any calendar year; (ii) the State and any political subdivision, municipal corporation or other governmental unit or agency thereof, without regard to the number of employees. The term "employer" does not include any not for profit corporation or association organized for fraternal or religious purposes, nor any school, educational or charitable institution owned and conducted by, or affiliated with, a church or religious institution, nor any exclusively social club, corporation or association that is not organized for profit.

(e) "Employment Agency" includes both public and private employment agencies and any person, and any labor organization or labor union having a hiring hall or hiring office regularly undertaking, with or without compensation to procure opportunities to work, or to procure, recruit, refer or place employees.

(f) "Labor Organization" includes any organization, or labor union, craft union, or any voluntary unincorporated association designed to further the cause of the rights of union labor which is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment, or apprenticeships or applications for apprenticeships, or of other mutual aid or protection in connection with employment, including apprenticeships or applications for apprenticeships.

(g) "Person" includes one or more individuals, partnerships, associations or organizations, labor organizations, labor unions, or union labor associations, corporations, legal representatives, trustees in bankruptcy or receivers.

(h) "Unfair Employment Practices" includes only those practices specified in Section 3 of this Act. As amended by Act approved August 11, 1967. L. 1967, p. 2854 effective July 1, 1968.

853. § 3. Unfair Employment Practices.) It is an unfair employment practice:

(a) For any employer, because of the race, color, religion, sex, national origin or ancestry of an individual to refuse to hire, to segregate, or otherwise to discriminate against such individual with respect to hire, selection and training for apprenticeship in any trade or craft, tenure, terms or conditions of employment; or

(b) For any employment agency to fail or refuse to classify properly, accept applications and register for employment referral or apprenticeship referral, refer for employment, refer for apprenticeship, or otherwise to discriminate against any individual because of his race, color, religion, sex, national origin or ancestry, or to accept from any person any job order, requisition or request for referral of applicants for employment or apprenticeship which makes, or has the effect of making, race, color, religion, sex, national origin or ancestry a condition of referral, except for a bona fide occupational qualification; or

(c) For any labor organization because of the race, color, religion, sex, national origin or ancestry of any person to discriminate against such person, or to limit, segregate or classify its membership with respect to such person, or to limit such person's employment opportunities, such person's selection and training for apprenticeship in any trade or craft, or otherwise to take, or fail to take, any action which affects adversely such person's status as an employee or as an applicant for employment or as an apprentice, or as an applicant for apprenticeships, or such person's wages, tenure, hours of employment or apprenticeships conditions; or

(d) For any employer, employment agency or labor organization to discriminate against any person because he or she, reasonably and in good faith, has opposed any practice forbidden in this Act, or because he or she, reasonably and in good faith, has made a charge, testified or assisted in any investigation, proceeding or hearing under this Act; or

(e) For any employer, employment agency or labor organization to inquire on a written application whether a job applicant has ever been arrested; or

34-85. Removal for cause—Notice and hearing—Suspension.

No teacher or principal appointed by the board of education shall (after serving the probationary period of 3 years specified in Section 34-84) be removed except or cause, and then only by a vote of a majority of all members of the board, upon written charges presented by the general superintendent of schools, to be heard by the board or a duly authorized committee thereof. Written notice of such charges shall be served upon the teacher or principal not less than 20 nor more than 30 days before the date of hearing. The hearing shall be held and the decision rendered within 80 days from the date of service of the notice; provided however, that continuances of said hearing granted at the request of the teacher or principal shall not be included in computing this 80 day period. The hearing shall be public at the request of either the teacher or the board. The teacher shall have the privilege of being present at the hearing, together with counsel, offering evidence and making defense to the charges. Before service of notice of charges on account of causes that may be deemed to be remediable, the teacher shall be given reasonable warning in writing, stating specifically the causes which, if not removed, may result in charges. The action and decision of the board as to the existence of reasons or causes for dismissal or removal shall be

final unless reviewed as provided in Section 34—85b of this Act. Pending the hearing of the charges, the person charged may be suspended in accordance with rules prescribed by the board but such person, if acquitted, shall not suffer any loss of salary by reason of the suspension. As amended by act approved Aug. 26, 1963. L. 1963, p. 3427.